

From: Andrew Parsons <[REDACTED] GRO>
To: Owain Draper <[REDACTED] GRO>, Anthony de Garr Robinson
<[REDACTED] GRO>, Amy Prime <[REDACTED] GRO>
Cc: Elisa Lukas <[REDACTED] GRO>, Jonathan Gribben
<[REDACTED] GRO>
Subject: RE: The Post Office Group Litigation - Claim Numbers HQ16X01238 and
HQ17X012637 - Inspection of Known Error Logs [BD-4A.FID26896945]
Date: Thu, 14 Sep 2017 12:32:00 +0100
Importance: Normal
Inline-Images: image191116.JPG; image5a3a30.PNG; imaged5d314.PNG; image0472d4.PNG

I'll explain later the background but in principle we are happy to give them access to the KEL, its just a question of when and how - as we have always said to them. This is just Freeths making noise to balance out our SOI letter, but I take Tony's point a out the judge's perception of us.

A

Andrew Parsons
Partner
Bond Dickinson LLP

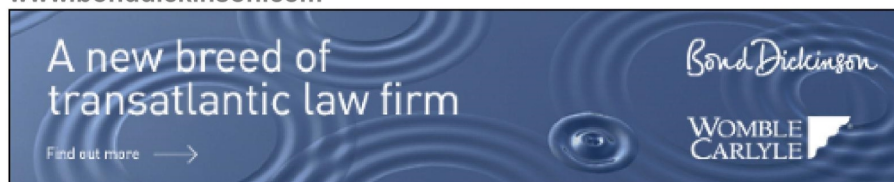
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From: [Owain Draper](#)
Sent: 14/09/2017 12:07
To: [Anthony de Garr Robinson](#); [Amy Prime](#); [Andrew Parsons](#)
Cc: [Elisa Lukas](#); [Jonathan Gribben](#)
Subject: Re: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 - Inspection of Known Error Logs [BD-4A.FID26896945]

I think it boils down to this: is someone going to put in evidence to the effect that PO does not have a right to obtain a copy of the KEL?

Even we obtain such evidence, wont Cs simply apply for 3rd party disclosure against Fujitsu? I am not sure we want to set a precedent for disclosure from Fujitsu.

Best,

Owain

Owain Draper

One Essex Court, Temple

EC4Y 9AR

Switchboard: [GRO]

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From: Anthony de Garr Robinson [GRO]
Date: Thursday, 14 September 2017 at 11:34
To: 'Amy Prime' [GRO], Andrew Parsons
<[GRO]>, Owain Draper [GRO]
Cc: Elisa Lukas [GRO], Jonathan Gribben
<[GRO]>
Subject: RE: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 - Inspection of Known Error Logs [BD-4A.FID26896945]

I've not read the cases, but if our agent has access to the KEL on our behalf (in the sense of having the right or ability to inspect it), that looks as if we might well have access to it, and if we have access to it that looks as if we might well have control of it.

We have to reply by tomorrow, failing which they will issue an application which will require us to make a witness statement and which may (if we have control) result in our being bounced all over court in a very painful way. This issue needs to be bottomed out urgently.

Tony

From: Amy Prime [GRO]
Sent: 14 September 2017 11:16
To: Anthony de Garr Robinson [GRO], Andrew Parsons
[GRO]; Owain Draper [GRO]
Cc: Elisa Lukas [GRO], Jonathan Gribben
<[GRO]>
Subject: RE: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 - Inspection of Known Error Logs [BD-4A.FID26896945]

Tony

Please find attached the letter of 1 September 2017 – the relevant paragraph is 1.5.

Andy may say differently, but I don't think in this letter we used the word "document" in the CPR sense but, instead, to explain that the KEL is not a fixed log or a printed handbook but a live electronic database.

In terms of control, Andy – are any issues raised by the fact that ATOS (who I believe act as POL's agent) have access to the database?

Kind regards
Amy

Amy Prime
Solicitor

Bond Dickinson LLP

[cid:image001.jpg@01D32D51.AB7FB2B0]

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From: Anthony de Garr Robinson [Redacted] GRO
Sent: 14 September 2017 11:08
To: Andrew Parsons; Owain Draper
Cc: Amy Prime; Elisa Lukas; Jonathan Gribben
Subject: RE: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 [BD-4A.FID26896945] - Inspection of Known Error Logs

Thanks for sending the 13 October 2016 letter, Amy.

I'm a little concerned that we may be playing into their hands by provoking a CPR 31.14 application for inspection of the KEL. Unless we play our cards right, this could give them the chance to portray us as unnecessarily (and therefore suspiciously) defensive, obstructive and possibly even evasive about the KEL.

Could you also send over our letter dated 1 September 2017 – if their summary of it is fair (which I doubt) I would like to understand why we seem to have claimed that the KEL is not a document, when it plainly is, and why we don't seem to have mentioned that it is not in our control, which seems to me to be a critical point.

On the question of control, we need to be absolutely clear that we have no right to inspect or take copies of the KEL, either under the Fujitsu contract or under the law of agency (is Fujitsu holding it as our agent?), and that there is no practice under which we are habitually or usually allowed to inspect documents of this sort if we want to see them.

Best wishes,

Tony

From: Andrew Parsons [Redacted] GRO
Sent: 14 September 2017 08:08
To: Anthony de Garr Robinson [Redacted] GRO; Owain Draper [Redacted] GRO
Cc: Amy Prime [Redacted] GRO; Elisa Lukas [Redacted] GRO; Jonathan Gribben [Redacted] GRO
Subject: FW: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 [BD-4A.FID26896945] - Inspection of Known Error Logs

Tony, Owain

See attached - One more issue to discuss at today's con.

Mini agenda:

1. Current thinking on directions (look at Owain's draft Order)
2. Terminal preservation and inspection of KEL (as per attached).
3. Plan of action to CMC
4. Content of witness evidence and skeleton
5. Deloitte work – what next?

A

Andrew Parsons
Partner

Bond Dickinson LLP

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From: Megan Atack;

GRO

Sent: 13 September 2017 18:17

To: Elisa Lukas; Amy Prime; Andrew Parsons; Peter O'Connell

Cc: James Hartley; Imogen Randall; Miranda Bond

Subject: RE: The Post Office Group Litigation - Claim Numbers HQ16X01238 and HQ17X012637 [BD-4A.FID26896945] - Inspection of Known Error Logs

Dear Sirs

Please find attached our firm's third letter of today's date.

Yours faithfully
Freeths LLP

Megan Atack

Legal Assistant



[freeths]<https://twitter.com/freeths?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor>

[reeths Website]<<http://www.freeths.co.uk>>

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